

CITY OF HORSESHOE BAY

CITY COUNCIL PUBLIC MEETING AND PUBLIC HEARINGS

March 20, 2007

The Council of the City of Horseshoe Bay held a Public Meeting and Public Hearings at City Hall, located at #1 Community Drive, Horseshoe Bay, Llano County, Texas, March 20, 2007, in accordance with duly posted notice of said meeting. Mayor Bob Lambert called the meeting to order at 3:00 p.m. with a quorum of Council Members present as follows:

Robert W. Lambert, Mayor
James E. Babcock, Mayor Pro Tem
John Bird, Alderman
Karen Wines, Alderwoman
Richard Rantzow, Alderman
Jeff Robinson, Alderman

The posted agenda for this meeting is made a part of these minutes by attachment and the minutes are herewith recorded in the order the agenda items were considered with the agenda subject and item number shown preceding the applicable paragraph.

1. Call to Order and Establish a Quorum: Mayor Bob Lambert called the Public Meeting to order at 3:00 p.m. with a quorum present. Reverend Pete Christy from the Church at Horseshoe Bay led the invocation.
2. Highland Lakes Men's Chorus: Mayor Lambert welcomed the Highland Lakes Men's Chorus who performed several patriotic songs.
3. Comments from Mayor: Mayor Lambert thanked everyone for coming and reminded them to sign up if they would like to speak on any agenda item. He reported representatives from the HSB POA and the City are working on the Street Agreement and a recommendation to bring to the City Council. He then thanked all the personnel in HSB for their work during the recent flood event. He said this was a staggering amount of rain in a short time and there was a significant community effort.
4. Comments from Aldermen: Alderwoman Wines stated the reasons that she felt the City should establish a P & Z Commission and stated that this could be done before January 2008 if one of the three Aldermen who voted to defer additional consideration until then changed his mind.
5. Public Comments: There were no public comments.
6. Presentation of Staff Ten-Year Service Awards: Mayor Lambert presented ten-year service awards to Bobby Abernathy and Terry Hawkins, both from the Plant Operations Department.

7. Reconvene Public Hearing Regarding the Formation of a Public Improvement District for Skywater: Mayor Lambert reconvened the Public Hearing at 3:16 p.m. There were no comments and Mayor Lambert closed the Public Hearing at 3:17 p.m.
8. Act on Skywater Related Documents: Mayor Lambert asked if there were any questions from the Council. Alderman Rantzow asked for clarification from Sam Martin concerning wording in the PD Ordinance. In connection with Section 4.02.C of the Development Agreement, Alderwoman Wines made a motion to include in the Deed Restrictions that all subsequent owners need to sign a document acknowledging the special assessments and agree to make the payments until paid in full. Alderman Rantzow seconded the motion. After further discussion regarding notices required in other sections of the Development Agreement, Alderwoman Wines withdrew her motion. Alderwoman Wines also made a motion that all non-gated roads should be conveyed to the City, a motion to change section 5.08 to be under control of the City not the owner/developer, and a motion to strike "owner will not be responsible/liable for non performance" from section 8.03 . All three (3) motions failed due to failure to obtain a second to the motions. Exhibit E was modified to require both spouses' signatures. Alderman Babcock made the motion to approve the following Skywater documents subject to the changes in the materials that were handed out in the Council Packet and adding both spouses signatures in "Exhibit E" and that the Mayor is authorized to execute the documents on behalf of the City. The motion was seconded by Alderman Robinson. The motion passed by a vote of 4 ayes and 1 nay, Alderwoman Wines.
 - a. Development Agreement Between City and HB Texas Development Partners
 - b. Water Utility Service Agreement Between City and HB Texas Development Partners
 - c. Wastewater Service Agreement Between City and HB Texas Development Partners
 - d. Resolution Authorizing and Creating the PID (Improvement Order)
 - e. Resolution Approving Preliminary Service and Assessment Plan and Proposed Assessment Roll
9. Public Hearing Regarding Planned Development Ordinance Related to Skywater: Mayor Lambert convened the Public Hearing at 4:15. No one had signed up to speak on this item and he closed the Public Hearing at 4:15.
10. Discussion (no action to be taken) Regarding Planned Development Ordinance Related to Skywater: Mayor Lambert said this requires a 30 day notice period and there would be no action taken today.

Regular Meeting Adjourned for a Recess: At 4:16 p.m., Mayor Lambert announced that the meeting would adjourn for a short recess and reconvene at 4:25.

Regular Meeting Resumed: At 4:25 p.m., Mayor Lambert reconvened the meeting.

11. Discussion (no action to be taken) Regarding Lago Escondido Planned Development Agreement: Mayor Lambert said that this is an update on the status of these discussions. Jeff Robinson had been asked by the Council to meet with concerned parties. Alderman Robinson stated he has held two meetings with Dean Blaine and representatives from the community to

see if a Development Agreement could be worked out. He felt like the meetings were productive. He had asked Dean Blaine to take everything discussed at these meetings and make a presentation of the revised plan to the Council. He added that in discussions with the concerned parties he feels they agree that progress has been made. Alderman Babcock added that these plans would be put in a Planned Development Agreement and would run with the land forevermore and be enforceable by the City. The concept of enforcement by the neighbors is one that the City would not be involved in, but some way can be found to do this, that is fine.

12. Public Hearing Regarding Application for Amendment to Zoning Ordinance of 6.37 acres consisting of all Lot Nos. 2 through 7 and Portions of Lot Nos. 1, 8, 35 through 38 of Lago Escondido, Plat No. 4.1, Llano Co., Texas to Change Zoning Classifications and a Replat of Lot Nos. 1 through 12 and 32 through 39 of Lago Escondido, Plat No. 4.1 to be known as Lago Escondido, Plat No. 4.2: Mayor Lambert opened the public hearing for those who had signed up to speak on this item and asked Dean Blaine to speak first. Mr. Blaine then presented his revised plan. Billy Lapham, Roy Busse, Lisa Malesovas, Jay Boynton and Ronald Yates also spoke concerning this item. Alderman Robinson stated Mr. Malesovas was invited to both of the meetings that were previously held but was only able to attend the second meeting. There were no additional public comments. The Mayor announced that everyone that had signed up to speak on either item 11 or 12 had done so and that this Public Hearing would be continued until the April 17, 2007 Council meeting and the following three items will also be continued to that meeting:

- a. Application for Amendment to Zoning Ordinance of 6.37 acres consisting of all Lot Nos. 2 through 7 and Portions of Lot Nos. 1, 8, 35 through 38 of Lago Escondido, Plat No. 4.1, Llano Co., Texas to Change Zoning Classifications (no action to be taken)
- b. Preliminary Replat of Lot Nos. 1 through 12 and 32 through 39 of Lago Escondido, Plat No. 4.1 to be known as Lago Escondido, Plat No. 4.2 (no action to be taken)
- c. Final Replat of Lot Nos. 1 through 12 and 32 through 39 of Lago Escondido, Plat No. 4.1 to be known as Lago Escondido, Plat No. 4.2 (no action to be taken)

13. Consent Agenda Items:

- a. Amendment to Minutes of January 23, 2007 Public Meeting
- b. Minutes of February 20, 2007 Public Meeting
- c. Final Plat Approval:
 - i. Replat of Escondido, Plat No. 1.7 to be known as Escondido, Plat No. 1.10, Llano County, Texas (Plaza Escondido & Los Puertas)
 - ii. Replat of Lot Nos. 49 through 53 and Greenbelt 1 of The Trails of Lake LBJ, Phase One to be known as Lot Nos. 49 through 53 and Greenbelt 1 of The Trails of Lake LBJ, Phase One (Kathy Cove)
 - iii. Replat of Lot Nos. 4004 through 4013, Horseshoe Bay Applehead Plat No. 4.7, to be known as Horseshoe Bay Applehead Plat No. 4.7, a Replat of Lot Nos. 4004 through 4013 of Horseshoe Bay Applehead Plat No. 4.1, Llano Co., Texas (Gemstone & Bay West Blvd)
 - iv. Replat of Lot No. W9010, Horseshoe Bay West Plat No. 9.1, to be known as Horseshoe Bay West Plat No. W9.8, Llano Co., Texas (Uplift)

- v. Replat of Lot No. 12050, Horseshoe Bay Plat No. 12.1 and a 2560 square foot tract out of the Nicholas Mendez Survey No. 3, to be known as Horseshoe Bay Plat No. 12.21, Llano Co., Texas (Lighthouse Drive)
- d. Annual Racial Profiling Statistics Report for 2006
- e. Acceptance of Donation to Fire Department; and Authorize Disbursement of Donation
- f. Investment Policy
- g. LCMUD #1 Maintenance Contract Renewal
- h. Establishing Fire Zones per City Ordinance ORD 06-12-12G

Alderman Rantzow asked to change a portion of the February 20, 2007 minutes under item 11 which references his proposal on the Zoning Ordinance Amendment to reflect he did make a motion to deny the amendment to the Zoning Ordinance however he encouraged the parties to get back together and try and resolve their differences. Alderman Robinson made the motion to approve the Consent Agenda with the amendment to the minutes. Alderman Rantzow seconded the motion. The motion passed unanimously (5-0).

- 14. Public Hearing Regarding Amendment to Zoning Ordinance of Lot No. W9010 from Multi-Family to Single-Family, Horseshoe Bay West Plat No. 9.8, Llano Co., Texas (Uplift):
- 16. Public Hearing Regarding Application for Variance to Zoning Ordinance for Lot K6040A regarding minimum yard requirements, Burnet County, Texas (12th Street & Pronghorn): Mayor Lambert stated he would like to combine these and then convened both Public Hearings at 5:00 p.m. No one had signed up to speak on these items and he closed the Public Hearings at 5:01 p.m.
- 15. Amendment to Zoning Ordinance of Lot No. W9010 from Multi-Family to Single-Family, Horseshoe Bay West Plat No. 9.8, Llano Co., Texas (Uplift & Bay West Blvd.): City Attorney Akers stated Item 15 would fall under the 30 day notice requirement, and this item was continued until the April 17, 2007 meeting.
- 17. Application for Variance to Zoning Ordinance for Lot K6040A, Horseshoe Bay Plat No. K6.4 regarding minimum yard requirements, Burnet County, Texas (12th Street & Pronghorn): Alderman Rantzow made the motion to approve the Variance to the Zoning Ordinance minimum rear building setback requirement of 15' to a 5' setback on this lot. Alderman Bird seconded the motion. The motion passed unanimously (5-0).
- 18. General Manager's Report: General Manager Thuss presented his report to the Council, a copy of which is attached and made a part of these minutes. There was some discussion concerning the budget variance. Mr. Thuss stated he is concerned and would have mid-year numbers at the April 17, 2007 meeting and would be able to better identify the cause at that time. Water and sewer tap fees are below budget due to less development than anticipated. He added the City has underestimated the expense budget in the Utility Fund by \$100,000. The General Fund is in very good shape. He also reported that John Wedig is developing an Interlocal Agreement between the LCRA and the City that he will send to the City in order to proceed with the treatment of the aquatic vegetation.

19. Preliminary Plats:

- a. Replat of Lot Nos. 37038 through 37042 and Lot No. 37047, Horseshoe Bay Plat No. 37.3 to be known as Horseshoe Bay Plat No. 37.18, Llano County, Texas (Surefire)
- b. Replat of 159.40 acres of Horseshoe Bay, Tract "XX" and 53.93 acres of Horseshoe Bay, Tract "YY" to be known as Preliminary Plat of Skywater Over Horseshoe Bay, Phase One, Llano County, Texas
- c. Replat of Lot Nos. 2T, 3T, 4T, 6T, 8T, 10T, 12T, 14T, AND 16T, Horseshoe Bay Applehead Island, Plat No. 20.1 and Lot Nos. 2D and 3D, Horseshoe Bay, Applehead Island, Plat No. 19., Llano County, Texas
- d. Replat of Lots W23080 through W23082, of Horseshoe Bay, Plat No. W23.1, Llano County, Texas (Coyote & Apache Tears)

Alderman Rantzow made the motion to approve the preliminary plats. The motion was seconded by Alderman Babcock. The motion passed unanimously (5-0).

20. Blasting Ordinance: General Manager Thuss explained that the draft ordinance was provided by City Attorney Akers upon a request by Alderwoman Wines. It has been reviewed by staff and posted on the City's website for review by the public. He said he received some recommendations from the blasting community and would like to review those today with the City Council. After this review, General Manager Thuss recommended approval with those changes. After some discussion, Alderman Babcock made the motion to approve the blasting ordinance with the agreed upon changes. Alderman Bird seconded the motion. The motion passed unanimously (5-0).

21. Appearing Before Council: Mayor Lambert reported that copies of the City's current policy have been handed out to the Council. This is posted on the City's website and has been almost since the beginning of the City. He asked that the Council review this policy and that any recommended revisions will be presented to the Council at a later date.

22. April 20th - Horseshoe Bay Clean Up Day: Mayor Lambert he received a request from the HSB POA to issue a Proclamation in support of the HSB POA Cleanup Day in order to get the entire City involved. Alderman Babcock made the motion to issue a Proclamation in support of the HSB POA Cleanup Day. Alderman Rantzow seconded the motion. The motion passed unanimously (5-0).

Executive Session: At 5:50 p.m., Mayor Lambert announced that the Council would go into Executive Session pursuant to Section 551.074 of the Texas Open Meetings Act to discuss personnel matters.

Regular Meeting Resumed: At 6:08 p.m., the Executive Session having ended, Mayor Lambert resumed the Regular Meeting and announced that no action or votes had been taken in the Executive Session.

23. Personnel Matters:

- a. Employment and Duties of the Public Works Director: Mayor Lambert commented that General Manager Mike Thuss and he had talked about advertising immediately when Glenn Jones resigned and this has been done. Mr. Thuss said the process used for recruiting for the Fire Chief position was that he had asked Council for participants in the interview process. Alderman Wood and Mayor Lambert participated. Mayor Lambert asked Alderman Bird to volunteer to help as a committee. Alderman Bird asked Alderman Robinson to also serve on the committee, and he agreed. Mayor Lambert suggested that the top five or six candidates' resumes be submitted to all Council members to review and give Mr. Thuss any comments, suggestions or questions. If any Council member wanted to meet any of the candidates that could be arranged. It was suggested that Chief Lane and Chief Fiero also be involved in the interview process.
- b. Director of Development Services: Mayor Lambert suggested hiring for this position now. General Manager Thuss discussed the need for the position and duties. Alderman Bird asked Mr. Thuss to put together a plan for recruiting for the position. The Council agreed to authorize Alderman Bird and Mayor Lambert to approve the plan. Alderman Robinson made the motion to hire a Development Services Director for the newly created position and to authorize the Mayor and Mr. Bird to work with Mr. Thuss on a job description and a salary range at the manager level. Alderwoman Wines seconded the motion. The motion passed unanimously (5-0).

24. Adjournment: Alderman Bird made the motion to adjourn the meeting at 6:40 p.m. Alderman Robinson seconded the motion. The motion passed unanimously (5-0).

APPROVED this 17th day of April, 2007.

/S/
Robert W. Lambert, Mayor

ATTEST:

/S/
Toni Vanderburg, City Secretary